

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
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OFFICER: David Esparragoza
TAX NUMBER: 951 716

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Police Department (NYPD) has deemed substantiated allegations that David Esparragoza, on or about February 24, 2015, failed to effect a proper arrest and failed to properly complete memo book entries. On that date at approximately 10:05 PM, David Esparragoza was in the vicinity of 1541 Fulton Street in Brooklyn and arrested a man and charged him with Criminal Possession of a Controlled Substance in the Seventh Degree for being in possession of a "Viagra" pill. The case was dismissed at arraignment because "Viagra" is not a controlled substance listed in the Public Health Law. David Esparragoza stated during his interview that he did not look up the charge of CPCS Seventh Degree in the Penal Law to ensure he had a valid arrest when he was at the precinct processing the arrest. David Esparragoza stated that a lieutenant was present at the scene and verified the arrest and charge. As the Arresting Officer, however, he should still have looked up the charge in the Penal Law to ensure the arrest was valid. David Esparragoza's memo book for that day was incomplete and improper. He has more than one entry for Tuesday 2/24/2015, does not have a meal time entered, and does not record who the operator or recorder were. Nor does he have the name of the supervisor that was at the scene and verified the arrest – he only notes "Lt. Present," despite the fact that there were two different lieutenants supervising him that day.

David Esparragoza acknowledged that there were other occupants in the car which he stopped and which led to the arrest, but he stated that he could not remember how many passengers there were. Furthermore, he stated that he forgot to records their names and pedigree information. David Esparragoza failed to enter anything about the car stop which led to the arrest in his memo book and stated that he forgot to do so. He further stated that because the arrestee's hands were near the floor of the car, he instructed him to exit the vehicle and subsequently recovered a prescription bottle with his name on it which was labled for ibuprofen. David Esparragoza stated that the individual told him it was "Viagra." When asked if he attempted to identify the pill at the precinct by its description, color or numbers on the pill he stated that he did not.

David Esparragoza stated that he drove the arrestee's car into the station house and parked it on Green Street in a spot that was marked for police vehicles only. As a result, the arrestee received a summons. David Esparragoza was contacted by the arrestee about receiving said summons and as a result he took the summons to court and paid the fine. He produced a receipt for paying the fine, but did not record talking with the arrestee, taking possession of the summons or going to court and paying the fine in his memo book. Nor is there an entry in his memo book for transporting the car into the station house.

Even if a lieutenant verifies an arrest, an officer should have a complete understanding of the circumstances and list the proper charges on the online booking complaint when making an arrest. The officer then needs to be able to thoroughly and accurately communicate that arrest to an Assistant District Attorney. Thus, David Esparragoza failed to effect a proper arrest and was in violation of Patrol Guide 212-08.

2. The New York City Police Department (NYPD) has deemed substantiated an allegation that David Esparragoza, on or about September 9, 2015, failed to properly complete a memo book entry.
3. David Esparragoza is a named defendant in the civil action *Earl Mcleod v. City of New York et al.*, 15CV04985, filed in the United States District Court for the Eastern District of New York, for an incident on February 24, 2015.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: January 29, 2021